

ASSEMBLY BILL

No. 970

Introduced by Assembly Member Ducheny

February 25, 1999

An act to amend Section 25201.13 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 970, as introduced, Ducheny. Hazardous waste treatment: elementary neutralization activities.

Existing law requires hazardous waste facilities, including, but not limited to, treatment facilities, to operate under hazardous waste facilities permits or other grants of authorization issued by the Department of Toxic Substances Control. Existing law exempts, from hazardous waste facilities requirements, an owner and operator of an elementary neutralization unit that neutralizes specified wastewaters that are hazardous solely due to corrosivity or toxicity that results only from certain alkaline or acidic materials.

This bill would additionally exempt, from the hazardous waste control laws, an owner or operator of an elementary neutralization unit that meets specified conditions, including a requirement that the owner or operator of the elementary neutralization unit complete a specified training program. The bill would also exempt these elementary neutralization activities from any statute or regulation requiring the unit to have secondary containment for piping or ancillary equipment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25201.13 of the Health and
2 Safety Code is amended to read:
3 25201.13. (a) The Legislature hereby finds and
4 declares that demineralization of water is a standard
5 industrial water purification process used by utilities and
6 industry. The regeneration and recycling of ion exchange
7 media used to demineralize water is a continuous, onsite,
8 totally enclosed, automated process, which is exempt
9 from federal permitting requirements. The conditions set
10 forth in subdivision (d) of Section 25201.5 are important
11 to protect the environment by ensuring notification
12 before treatment begins, written operating instructions,
13 inspections, compliance with pretreatment standards,
14 cleanup of terminated units, and recordkeeping to
15 demonstrate compliance. However, those conditions are
16 inapplicable to demineralization units because of the
17 enclosed, automated, continuous technology involved,
18 the very brief period in which treatment occurs, and the
19 lack of any waste residue. An exemption from Section
20 25201.5 is therefore appropriate. Similarly, elementary
21 neutralization associated with food processing industry
22 wastewaters should also be exempt from Section 25201.5.
23 (b) An owner or operator of an elementary
24 neutralization unit, as defined in Section 66260.10 of Title
25 22 of the California Code of Regulations, and any storage
26 tank not regulated under the federal act which is an
27 integral part of the demineralizer operation, that
28 neutralizes wastes which are hazardous solely due to
29 corrosivity or toxicity that results only from the acidic or
30 alkaline material, is exempt from this article, including
31 the requirement of obtaining a hazardous waste facilities
32 permit or other grant of authorization from the
33 department, if the wastes result solely from the
34 regeneration of ion exchange media used to demineralize
35 water, do not contain more than 10 percent acid or base

1 concentration by weight, are treated in vessels and piping
2 constructed of materials that are compatible with the
3 range of temperatures and pH levels of the wastes, and
4 are subject to appropriate pH and temperature controls.

5 (c) (1) An owner or operator of an elementary
6 neutralization unit, as defined in Section 66260.10 of Title
7 22 of the California Code of Regulations, including any
8 storage or processing tank not regulated under the
9 federal act which is an integral part of the elementary
10 neutralization operation, is exempt from this article,
11 including the requirement to obtain a hazardous waste
12 facilities permit or other grant of authorization from the
13 department, if all of the following requirements are met:

14 (A) The unit neutralizes wastewaters which are
15 hazardous solely due to corrosivity or toxicity that results
16 only from alkaline or acidic materials used in the owner's
17 or operator's food processing operations.

18 (B) The wastewaters result from food processing
19 operations, do not contain more than 10 percent acid or
20 base concentration by weight, are treated in vessels and
21 piping that are compatible with the range of
22 temperatures and pH levels of the wastewaters, and are
23 subject to appropriate pH and temperature controls.

24 (2) For purposes of this subdivision, "food processing
25 operation" means activities conducted at facilities in SIC
26 Code Major Group 20 (Food and Kindred Products), and
27 includes preparation, mixing, cooking, fermentation,
28 aging, storage, packaging, sanitizing, or pasteurization of
29 products intended for human consumption, and all
30 associated equipment and vessel cleaning operations.

31 (d) (1) *An owner or operator of an elementary*
32 *neutralization unit, not otherwise exempted pursuant to*
33 *subdivisions (b) or (c), is exempt from any requirement*
34 *imposed pursuant to this chapter, including any*
35 *regulation adopted pursuant to this chapter, that relates*
36 *to generators, tanks, and tank systems, and the*
37 *requirement to obtain a hazardous waste facilities permit*
38 *or other grant of authorization from the department,*
39 *with regard to that unit, if all of the following conditions*
40 *are met:*

1 (A) The elementary neutralization unit is located at a
2 manufacturing, research, development, or educational
3 facility.

4 (B) A permit is not required to conduct the
5 elementary neutralization under the federal act.

6 (C) The hazardous waste subject to the elementary
7 neutralization process are hazardous solely due to acidic
8 or alkaline materials, and are generated by industrial
9 process manufacturing or industrial process
10 development activities.

11 (D) One of the following applies with regard to the
12 elementary neutralization activity:

13 (i) The hazardous waste in the elementary
14 neutralization unit do not contain more than 10 percent
15 by weight acid or alkaline constituents.

16 (ii) The owner or operator determines that the
17 elementary neutralization process will not raise the
18 temperature of the hazardous waste to within 10 degrees
19 of the boiling point or cause the release of hazardous
20 gaseous emissions, using either constituent-specific
21 concentration limits or calculations. The owner or
22 operator shall make these calculations in accordance with
23 the regulations adopted by the department, if the
24 department adopts those regulations.

25 (E) The hazardous waste is not diluted for the sole
26 purpose of meeting the criteria specified in clause (i) of
27 subparagraph (D), and after neutralization the
28 wastewaters do not exhibit the characteristic of
29 corrosivity, as defined in Section 66261.22 of Title 22 of the
30 California Code of Regulations, or any successor
31 regulation.

32 (F) The temperature of any unit 100 gallons or larger
33 is automatically monitored, and is fitted with a high
34 temperature alarm system, and for closed systems, the
35 unit automatically controls the adding and mixing of
36 corrosive and neutralizing solutions.

37 (G) The owner or operator of the elementary
38 neutralization unit successfully completes a program of
39 classroom instruction or on-the-job training that includes,
40 at a minimum, instruction for responding effectively to

1 emergencies by familiarizing personnel with emergency
2 procedures, emergency equipment, and emergency
3 systems, including, where applicable, procedures for
4 using, inspecting, repairing, and replacing facility
5 emergency and monitoring equipment,
6 communications, or alarm systems.

7 (2) Notwithstanding any other provision of law, unless
8 required by federal law, elementary neutralization
9 activities that are exempted pursuant to paragraph (1)
10 are also exempt from any statute or any regulation
11 adopted pursuant to state law requiring the elementary
12 neutralization unit to have secondary containment for
13 piping or ancillary equipment, including, but not limited
14 to, a regulation adopted by the State Water Resources
15 Control Board, the department, or any other state
16 agency.

